

C.R.M. (A) 3256 of 2022

11.07.2022
Sl.11
Court No.29
(AD)
(Allowed)

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Bhutni** Police Station Case No. **92** of **2022** dated **11.06.2022** under Sections **436/506** of the Indian Penal Code corresponding to G.R. No.- 3559/2022.

And

In the matter of: **Jadunandan Mandal**

....petitioner.

Ms. Papiya Chattopadhyay

...for the petitioner.

Mr. Iqbal Kabir

Ms. Lovely Dasgupta

...for the State.

Petitioner prays for anticipatory bail.

Learned Advocate appearing for the petitioner submits that the petitioner was falsely implicated. She refers to an order dated March 19, 2019 passed in W.P. No.3874 (W) of 2019. She submits that the petitioner approached the Writ Court complaining of unauthorized construction by the de facto complainant. She refers to the report submitted pursuant to the order of the High Court. She submits that the petitioner is now being falsely implicated by the de facto complainant.

Learned Advocate appearing for the State draws the attention of the Court to the statements recorded under Section 161 of the Code of Criminal Procedure by the neighbours and to the other materials in the case diary.

In the statements recorded under Section 161 of the Code of Criminal Procedure, it is stated that such persons heard that the petitioner was the person who set the house on fire. They did not witness the incident. The quality of such statements is debateable.

In such circumstances, we grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a Bond of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties of like amount each, to the satisfaction of the Arresting Officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioner will report before the Investigating Officer as and when called for till the conclusion of the investigation and on condition that the petitioner shall appear on every date before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

Accordingly, the prayer for anticipatory bail of the petitioner is allowed.

C.R.M. (A) 3256 of 2022 is, thus, disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)